

# 1997-98 SESSION COMMITTEE HEARING RECORDS

Committee Name:

Joint Committee on  
Finance (JC-Fi)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR\_RCP\_pt01a
- 05hrAC-EdR\_RCP\_pt01b
- 05hrAC-EdR\_RCP\_pt02

➤ Appointments ... Appt

➤ \*\*

➤ Clearinghouse Rules ... CRule

➤ \*\*

➤ Committee Hearings ... CH

➤ \*\*

➤ Committee Reports ... CR

➤ \*\*

➤ Executive Sessions ... ES

➤ \*\*

➤ Hearing Records ... HR

➤ \*\*

➤ Miscellaneous ... Misc

➤ 97hrJC-Fi\_Misc\_pt90c\_LFB

➤ Record of Comm. Proceedings ... RCP

➤ \*\*

To: Joint Committee on Finance

From: Bob Lang, Director  
Legislative Fiscal Bureau

## ISSUE

### **Recreational Boating Projects Earmarked (DNR -- Fish, Wildlife and Recreational Aids)**

[LFB Summary: Page 413, #18]

## CURRENT LAW

The Department of Natural Resources (DNR) provides grants for up to 50% of the costs of developing recreational boating facilities approved by the Waterways Commission. (A grant may be used to support up to 60% of project costs if the sponsor conducts a boating safety enforcement and education program approved by DNR.) Feasibility studies, which are eligible for state cost-sharing, must be completed for any project before it is assigned to a priority list. At least 40% of state funding must be expended for Great Lakes projects (harbors of refuge), 40% must be expended for inland lakes projects and 20% may be expended for projects deemed necessary by the Waterways Commission without regard to location. No state funds may be used for the acquisition of land or for the construction of berths. The Waterways Commission is a five-member board appointed by the Governor with the advice and consent of the Senate for staggered, five-year terms.

## GOVERNOR

Require DNR to provide funds from the recreational boating aids appropriation for the following projects:

- a. *Petenwell Lake*. Up to \$1,200,000 to Adams County for boat launching facilities and a harbor of refuge on Petenwell Lake.

b. *Columbia County Park*. Up to \$750,000 to Fond du Lac County for boat launching facilities at Columbia County Park on Lake Winnebago.

c. *Stockbridge Harbor*. Up to \$700,000 to Calumet County to complete Stockbridge Harbor on Lake Winnebago.

d. *High Cliff State Park*. Up to \$500,000 to construct a breakwater structure in Lake Winnebago at the entrance of High Cliff State Park harbor. DNR may expend this amount directly or provide it as a grant to Calumet County.

None of the counties would be required to match the amount provided under the bill. The amounts expended for these projects would be considered inland water projects for the purposes of meeting the statutory distribution of funds. These projects will not need to be placed on the priority list of recreational boating projects nor be approved by the Waterways Commission. DNR must expend the funds by June 30, 2000.

e. *Lake Superior harbor*. Allow DNR, with the approval of the Waterways Commission, to expend an amount to pay up to 100% of the eligible costs for the construction of a harbor of refuge along the Lake Superior shoreline. The project costs may include the acquisition of land (prohibited for other projects). Allow DNR to directly expend the amount authorized. The amount expended would be considered a Great Lakes project and the project would not need to be placed on the priority list of boating projects.

## DISCUSSION POINTS

1. The recreational boating facility aids appropriation had a cash balance of \$11.7 million as of July 1, 1996. Of that amount, \$6.7 million was committed by the Waterways Commission, resulting in an available balance of \$5.0 million. An available balance of \$4.6 million is expected as of July 1, 1997. This opening balance would cover two budget initiatives: (a) prior Committee action allocating \$1.8 million from the recreational boating facility aids appropriation for an endowment for the Black Point Estate in Walworth County; and (b) the lapse of \$2.8 million to the water resources account proposed by the Governor in SB 77. Approximately \$10.3 million SEG (motorboat gas tax) would be appropriated in SB 77 for recreational boating projects in 1997-99 (\$5,147,000 annually).

2. Recreational boating facility aids have been earmarked for specific projects in past budgets. In the 1991-93 biennial budget, \$1.8 million was earmarked for two recreational boating projects: (a) \$1.6 million for the construction of a marina on Lake Michigan in the city of Sheboygan; and (b) \$200,000 to the city of Beloit for a project adjacent to the Rock River. In the 1995-97 biennial budget, funding not to exceed \$264,000 was earmarked from recreational boating facility aids for the renovation and repair of the Chair Factory Dam and \$800,000 annually in the biennium was designated for the Portage levee renovation project.

3. In addition to the 50% or 60% of project costs provided by the Waterways Commission, DNR can also provide federal Sport Fish Restoration (SFR) funds for the remainder of project costs. Federal law requires that 12.5% of SFR funds (over \$1 million in 1996-97) be used for providing motorboat access to lakes. With the exception of 1996-97, SFR grant funding has been relatively constant, as shown in the table below. SFR funds can be combined with recreational boating facilities aids to provide up to 100% of the costs of some recreational boating projects.

#### **Sport Fish Restoration (SFR) Grant Apportionment, 1992-97**

<u>Fiscal Year</u>	<u>Apportionment</u>
1992	\$6,695,400
1993	6,312,700
1994	5,702,900
1995	6,694,000
1996	6,376,500
1997	8,554,200

#### **Petenwell Lake and Lake Winnebago Projects**

4. A cost estimate of building a harbor and launch area, parking lots, toilet and shower facilities and other facilities at Petenwell Lake (a Wisconsin River flowage) is \$1.2 million. The Columbia County park project on Lake Winnebago in Fond du Lac County, currently in the planning phase, would renovate the current site by adding more boat launch lanes and improving parking and other support facilities at an estimated cost between \$500,000 and \$750,000. The estimated cost of completing the last of three phases of construction to complete a breakwall and improve parking and bathroom facilities on Stockbridge Harbor in Calumet County is \$700,000. The first two phases of the project were completed with a combination of recreational boating facilities aids and SFR funds. The estimated cost of completing a free standing breakwall at the entrance of the High Cliff State Park harbor is between \$200,000 and \$500,000.

5. It could be argued that the projects enumerated in SB 77 would have an impact beyond just one county or municipality. Because Petenwell Lake and Lake Winnebago both border on more than one county or municipality, any one individual unit of government along either of those lakes might be reluctant to commit matching funds for an improvement on the lake that would also benefit other units of government that may not be financially contributing to the project. DNR indicates that localities have seldom entered into agreements to provide funding for a recreational boating facility sponsored by another locality. Thus, the Governor and Legislature could individually earmark the funding for projects of regional and statewide

significance to provide for those cases in which the local funding match requirement is deemed too prohibitive to allow a project to proceed.

6. DNR indicates that the Waterways Commission has been opposed to enumeration of projects such as those in SB 77, since it infringes on the Commission's statutory charge to approve recreational boating projects. Further, if the four earmarked projects were funded at the maximum allowable levels under SB 77 (a total of \$3,150,000), they would represent approximately 31% of the appropriation in the recreational boating facilities appropriation in the 1997-99 biennium (\$10.3 million). The funding earmarked would represent between 51% and 77% of the funding for inland lake projects in the biennium (depending on how the 20% of funding provided by the Waterways Commission without respect to location is utilized). Thus, the Waterways Commission would lose the authority to review and authorize at least one-third of recreational boating projects in the biennium.

7. The breakwall project at the entrance of the High Cliff State Park harbor lies on state property in Lake Winnebago. As a result there would be no potential local sponsor available to cost share the project. DNR indicates that Parks funding has not been provided for the project given the need for more traditional park amenities (such as campgrounds or interpretive projects) on other park properties. Thus, this project is different from the other projects enumerated in SB 77, for which a local sponsor could potentially be found. The Committee could choose to earmark funding for this project and delete the earmarking for the other three specific projects in SB 77 in recognition of the unique circumstances of the High Cliff project. Alternately, the Committee could delete this earmarking as well, which would mean that SFR, Parks or Stewardship funds would have to be used for the project, if it were to be completed.

8. Alternatively, the Committee could statutorily allow the Waterways Commission to provide up to 100% of costs for those projects the Commission finds: (a) to be of regional or statewide importance; and (b) that would likely not be completed under the current match guidelines. This would allow for the completion of projects such as those enumerated in SB 77 but maintain the authority of the Waterways Commission to approve recreational boating projects. Further, this alternative would let all projects compete, rather than only those specifically enumerated in legislation. This would, however, reduce the Legislature's role in approving projects of regional or statewide significance. Allowing up to 100% of project costs to be funded through the current recreational boating projects appropriation could also reduce the number of projects that are funded.

### **Lake Superior Harbor**

9. A 1995 Legislative Audit Bureau report discussed the issue of construction of additional harbors of refuge along Lake Superior. Potential harbors could be located at the mouth of the Bois Brule River (Douglas County) and between Chequamegon Bay and the Michigan border (Bayfield, Ashland or Iron County). The report noted that the Commission did not expect

local governments to request funding for such projects given the relatively small recreational boating populations and tax bases of such governments, making it more difficult to provide the required matching funds under current law. The audit also noted that the goal of providing harbors approximately every 30 miles had been nearly met on Lake Michigan while possible locations remained on Lake Superior.

10. Further, SB 77 leaves considerable discretion to the Waterways Commission as to the location of, and the level of funding provided for, any harbor located on Lake Superior.

11. If the Committee chooses to allow the Waterways Commission to expend up to 100% of eligible costs for projects of regional or statewide significance, this would also include any harbor of refuge along Lake Superior. In addition to making that change, the Committee could also allow for the acquisition of land to be included as an eligible cost for a Lake Superior harbor of refuge project.

## **ALTERNATIVES TO BASE**

1. Approve the Governor's recommendation to: (a) provide funds from the recreational boating aids appropriation for projects at Petenwell Lake (up to \$1,200,000), Columbia County Park (up to \$750,000), Stockbridge Harbor (up to \$700,000), and High Cliff State Park (up to \$500,000); (b) exempt the projects from any match requirement; (c) exempt these projects from Waterways Commission approval; and (d) require DNR to expend the funds by June 30, 2000. In addition, approve the recommendation to allow DNR, with the approval of the Waterways Commission, to expend an amount to pay up to 100% of the eligible costs (including, for this project, the cost of acquiring the land) for the construction of a harbor of refuge along the Lake Superior shoreline.

2. Delete the earmarking of funding for the Petenwell Lake, Columbia County Park and Stockbridge Harbor projects, but approve the earmarking of the High Cliff State Park project and the changes recommended by the Governor regarding the harbor of refuge along the Lake Superior shoreline.

3. Delete the earmarking of funding for the four inland lakes projects, but approve the changes recommended by the Governor regarding the harbor of refuge along the Lake Superior shoreline.

4. Delete the Governor's recommendation. Instead, allow the Waterways Commission to provide up to 100% of eligible funding for those projects it deems to be of regional or statewide significance that would otherwise not be completed under current matching requirements.

5. In addition to Alternative 4, allow eligible project costs for a harbor of refuge along Lake Superior to include the acquisition of land.

6. Take no action.

Prepared by: Russ Kava

MO# \_\_\_\_\_

JENSEN	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

*All motion #4013*

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A

AYE \_\_\_\_\_ NO \_\_\_\_\_ ABS \_\_\_\_\_

NATURAL RESOURCES -- FISH, WILDLIFE AND RECREATIONAL AIDS

Recreational Boating Projects Match (Paper #602)

Motion:

Move to require the Department of Natural Resources to provide grants of up to 80% of the costs of developing recreational boating facilities (and up to 90% of the costs if the sponsor conducts a boating safety enforcement and education program approved by DNR) for the Petenwell Lake, Columbia County Park and Stockbridge Harbor project as enumerated in SB 77. Allow the sponsor to make in-kind contributions to match the grant. In addition, allow DNR to provide grants of up to 80% of the costs of developing other recreational boating facilities (and up to 90% of the costs if the sponsor conducts a boating safety enforcement and education program approved by DNR) if the Waterways Commission deems the project to be of regional or statewide significance. Require DNR to promulgate rules to define regional and statewide significance. Further, approve the Governor's recommendation to fund a Lake Superior harbor of refuge at up to 100% of costs, including land acquisition. Also, allow DNR to provide a grant of up to 100% of costs (up to \$500,000) for the High Cliff State Park project enumerated under SB 77.

Note:

Under current law, DNR may provide grants for up to 50% of the costs of developing recreational boating facilities, and up to 60% if the project sponsor conducts a boating safety enforcement and education program.

MO#	4013			
JENSEN	<input checked="" type="checkbox"/>	N	A	
OURADA	<input checked="" type="checkbox"/>	N	A	
HARSDORF	<input checked="" type="checkbox"/>	N	A	
ALBERS	<input checked="" type="checkbox"/>	N	A	
GARD	<input checked="" type="checkbox"/>	N	A	
KAUFERT	<input checked="" type="checkbox"/>	N	A	
LINTON	<input checked="" type="checkbox"/>	N	A	
COGGS	<input checked="" type="checkbox"/>	N	A	
BURKE	<input checked="" type="checkbox"/>	N	A	
DECKER	<input checked="" type="checkbox"/>	N	A	
GEORGE	<input checked="" type="checkbox"/>	N	A	
JAUCH	<input checked="" type="checkbox"/>	N	A	
WINEKE	<input checked="" type="checkbox"/>	N	A	
SHIBILSKI	<input checked="" type="checkbox"/>	N	A	
COWLES	<input checked="" type="checkbox"/>	N	A	
PANZER	<input checked="" type="checkbox"/>	N	A	
AYE	9	NO	4	ABS 1



<p>To: Joint Committee on Finance</p> <p>From: Bob Lang, Director Legislative Fiscal Bureau</p>
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**ISSUE****Lake Superior Commercial Fishing License Retirement (DNR -- Fish, Wildlife and Recreational Aids)****CURRENT LAW**

In 1996, the Department of Natural Resources entered into an agreement with 11 commercial fishing licensees on Lake Superior under which the license holders have agreed to retire their licenses and individual lake trout quota allocations in return for payments from the Department. DNR will make an average payment of \$154,000 annually for ten years, starting in 1996-97, to retire the licenses and quotas as shown below. (Each line in the table provides information on one of the eleven licenses that is being retired.)

**Lake Superior Commercial Fishing License Retirements**

<u>Total Value</u>	<u>Years of Payout</u>	<u>Annual Payment</u>
\$46,637	10	\$4,664
76,757	10	7,676
87,843	10	8,784
111,616	10	11,162
104,011	10	10,401
129,726	10	12,973
134,305	5	26,860
179,996	10	18,000
194,793	10	19,479
216,907	10	21,691
<u>253,422</u>	10	<u>25,342</u>
1,536,013		167,032*

\*The annual payment for the first five years of the agreement is \$167,032. Because one of the licenses will be paid out in five years, the annual payment for the last five years will be \$140,172.

DNR is reallocating base GPR to make the payments. The 1996-97 payment was made from a Resource Management appropriation. Due to departmental reorganization under which the Bureau of Fisheries Management and Habitat Protection is moved to a different Division, payments made beginning in 1997-98 will come from a Water Division appropriation. 1997 Act 1 prohibits DNR from using moneys from the conservation fund for the retirement of commercial fishing licenses.

## **GOVERNOR**

No provision.

## **DISCUSSION POINTS**

1. Although not reflected in the bill, Administration and DNR officials have indicated that the commercial fishing license retirement was funded in the budget through GPR associated with three of the base budget reductions identified by DNR as part of their required budget submission. The bill would leave the funds in the Department's base expenditure level while actually making the associated program reductions. The reductions which were taken, but for which the funding was not removed from the base, are: (a) \$76,100 annually from reducing LTE staffing and contracts for water supply analysis; (b) \$64,900 annually associated with 1.0 wastewater data entry position; and (c) \$13,000 annually for LTE support for data entry and analysis related to treaty fishery assessment work. (DNR would still have to reallocate an additional \$13,000 in base funding for the first five years of the retirement since one of the licenses will be paid out in five years.) Adjustments to the appropriation schedule would be needed to move funding under (a) and (b) into the proper subprogram.

2. A DNR rule that became effective in February, 1997, reduced the number of commercial licenses on Lake Superior from 21 to 10 and reduced the total quota of lake trout from 13,600 to approximately 6,500 annually. This is expected to reduce the need for stocking and enhance sport fishing for lake trout on Lake Superior. The rule made reference to the provision of financial incentives in return for the retirement of the licenses, but the actual amounts paid for the retirement of the licenses were negotiated between the DNR and the individual licensees. The DNR fiscal estimate for the rule indicated an annual cost of approximately \$150,000.

3. It could be argued that DNR had the statutory authority to enter into an agreement with commercial fishers on Lake Superior under its general statutory power to regulate fishing on all outlying waters (including Lake Superior) in accordance with the Department's authority to maintain an adequate supply of any species of fish. DNR also has the statutory authority to limit the number of commercial fishing licenses issued, to establish harvest limits and to allocate

the harvest limits among commercial fishing licensees. Further, a rule indicating DNR's intentions with respect to the Lake Superior licenses was promulgated.

4. However, DNR does not have the explicit authority to make monetary payments to commercial fishers for purpose of license retirement. It could be argued that agreements such as those negotiated as part of the Lake Superior commercial fishing retirement were not envisioned as part of the original intent of granting DNR the power to regulate fishing or limit the number of commercial fishing licenses. Further, by internally reallocating funds for commercial fishing, these funds are no longer available for their legislatively authorized purposes. Some believe that DNR exceeded its authority by agreeing to make payments in exchange for license retirement prior to receiving explicit statutory expenditure authority to do so.

5. Reductions in three areas were taken to fund the fishing license retirement.

a. Water supply analysis. In offering the funding for the LTE staffing and contracts for water supply analysis, the Department noted that increased federal funding for drinking water program administration may be available depending on the U.S. Environmental Protection Agency budget.

b. Wastewater data entry. The Department originally offered a total of 3.0 wastewater data entry positions as part its base budget reductions. The Department indicated that these positions would not be necessary if a permit streamlining information technology item was included in the budget. Funding for the needed master lease payments for the system was included in the bill, but the Governor recommended eliminating only 2.0 positions.

c. Treaty fisheries assessment work. Funding for LTE support for treaty fisheries assessment work was no longer deemed necessary given the conversion of 8.0 federal project positions to permanent positions. This conversion will enable the Department to absorb the loss of LTE funding and still complete the workload required by the federal courts.

6. If the Committee wishes to approve the arrangement reached by DNR and the Administration, the remaining wastewater data entry position could be deleted and technical corrections could be made to move the associated funding to the Bureau of Fisheries Management and Habitat Protection.

7. The Joint Committee for Review of Administrative Rules held a public hearing on April 17, 1997, to review the Lake Superior commercial fishing license retirement. An analysis by Legislative Council indicated that any post-promulgation review of the rule changes by JCRAR would be unlikely to lead to the termination or alteration of those agreements. The JCRAR did recommend that the Joint Finance Committee: (a) review the retirement program to assure that the sources of funding are properly authorized by the Legislature; and (b) withdraw funding for the retirement in the 1997-99 biennial budget. Further, JCRAR recommended that

the Joint Committee on Legislative Organization seek an opinion of the Attorney General on the legality of the retirement program.

8. The Committee could also reduce the Department's base budget by removing the funding related to the three reductions used to fund the commercial fishing license retirement. There is a provision in the agreements between the Department and the commercial licensees that "the Department may terminate this agreement in whole or part, without penalty, due to non-appropriation of funds from which the payments...are to be paid." If the Committee deleted the funding for the retirement, DNR would either: (a) fund the retirement from the remaining GPR base in Fisheries Management and Habitat Protection (\$3,157,800 annually under SB 77); or (b) terminate the agreement.

9. If the Department would terminate, it is uncertain whether the license retirees would sue the state and how the courts would rule in any suit. One year's payment has already been made to the license retirees, and some have already sold their boats and equipment. Any withdrawal from the agreement by the Department could be seen as a breach of contract and create hardship for the licensees, particularly those that have already sold their equipment.

10. Conversely, the agreement states that if the Department fails to perform the terms of the agreement, the licensee may retain any and all payments made prior to termination of the agreement. Also, the Department has indicated that it does not believe that its actions acknowledge any property rights inherent in a commercial fishing license.

#### ALTERNATIVES TO BASE

1. Consistent with the DOA and DNR agreement, reduce LTE staffing and contracts for water supply analysis, eliminate 1.0 wastewater data entry position and LTE support for treaty fishery assessment work by a total of \$154,000 annually, but retain the funding in the base budget to pay for the Lake Superior commercial fishing license retirement.

<u>Alternative 1</u>	<u>GPR</u>
1998-99 POSITIONS (Change to Base)	- 1.00
[Change to Bill	- 1.00]

2. Delete \$154,000 GPR and 1.0 position annually related to LTE staffing and contracts for water supply analysis, wastewater data entry activity and LTE support for data entry and

analysis for treaty fishery assessment work. (DNR would be required to fund the commercial fishing license retirement from remaining GPR base funding or terminate the agreements.)

<u>Alternative 2</u>	<u>GPR</u>
1997-99 FUNDING (Change to Base)	- \$308,000
[Change to Bill]	- \$308,000]
1998-99 POSITIONS (Change to Base)	- 1.00
[Change to Bill]	- 1.00]

3. In addition to one of the above alternatives, authorize DNR to make payments from its Water Division general operations appropriation to commercial fishers in exchange for relinquishing their licenses or fish quotas.

4. Maintain current law. (This would have the effect of maintaining the 1.0 wastewater data entry position and retaining funding related to the retirement in incorrect appropriations.)

Prepared by: Russ Kava

MO# Alt #1

JENSEN	<del>Y</del>	N	A
OURADA	<del>Y</del>	N	A
HARSDORF	<del>Y</del>	N	A
ALBERS	<del>Y</del>	N	A
GARD	<del>Y</del>	N	A
KAUFERT	<del>Y</del>	N	A
LINTON	<del>Y</del>	N	A
COGGS	<del>Y</del>	N	A

BURKE	Y	<del>N</del>	A
DECKER	Y	<del>N</del>	A
GEORGE	Y	<del>N</del>	A
JAUCH	Y	<del>N</del>	A
WINEKE	<del>Y</del>	N	A
SHIBILSKI	<del>Y</del>	N	A
COWLES	Y	<del>N</del>	A
PANZER	<del>Y</del>	N	A

AYE 11 NO 5 ABS

NATURAL RESOURCES -- FISH, WILDLIFE AND RECREATIONAL AIDS

Commercial License Retirements (Paper #603)

Motion:

Move to prohibit the Department of Natural Resources from entering into any agreements after the effective date of the budget bill under which the Department would make payments to persons in exchange for the retirement of commercial fish and game licenses sold by DNR or the permanent or temporary reduction or cessation of activities authorized under the licenses.

Note:

This motion would not affect the Lake Superior commercial fishing license retirement agreement.

MO#

1654

JENSEN	X	N	A
OURADA	X	N	A
HARSDORF	X	N	A
ALBERS	X	N	A
GARD	X	N	A
KAUFERT	X	N	A
LINTON	Y	N	A
COGGS	X	N	A

BURKE	X	N	A
DECKER	X	N	A
GEORGE	X	N	A
2 JAUCH	X	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
1 COWLES	X	N	A
PANZER	X	N	A

AYE 13 NO 2 ABS

NATURAL RESOURCES -- FISH, WILDLIFE AND RECREATIONAL AIDS

Commercial Fishing License Retirements (Paper #603)

Motion:

Move to prohibit the Department of Natural Resources from making payments in exchange for the retirement of commercial fishing licenses or for the permanent or temporary reduction or cessation of fishing as authorized under the licenses.

Note:

Under this motion, DNR would be prohibited from making any payments for the retirement of commercial fishing licenses, either for the remaining payments under the Lake Superior retirement agreement or any future agreements.

MO# 1690

JENSEN	Y	<del>N</del>	A
OURADA	Y	<del>N</del>	A
HARSDORF	Y	<del>N</del>	A
ALBERS	Y	<del>N</del>	A
GARD	Y	<del>N</del>	A
KAUFERT	Y	<del>N</del>	A
LINTON	Y	<del>N</del>	A
COGGS	Y	<del>N</del>	A

BURKE	<del>Y</del>	N	A
DECKER	Y	<del>N</del>	A
GEORGE	Y	<del>N</del>	A
JAUCH	Y	<del>N</del>	A
WINEKE	Y	<del>N</del>	A
SHIBILSKI	Y	<del>N</del>	A
COWLES	Y	<del>N</del>	A
PANZER	Y	<del>N</del>	A

AYE 1 NO 15 ABS

To: Joint Committee on Finance

From: Bob Lang, Director  
Legislative Fiscal Bureau

## ISSUE

### **Municipal Dam Repair and Removal Grant Program (DNR -- Fish, Wildlife and Recreational Aids)**

## CURRENT LAW

The Department of Natural Resources has administered the municipal dam repair and removal grant program since it was created in 1989 Act 31. This program provides grants to counties, cities, villages, towns and public inland lake protection and rehabilitation districts that own dams that have been inspected by DNR and where directives have been issued to repair or remove the dams. The program provides 50% matching grants with a limit of \$200,000 per project. The program is funded at \$9.5 million (\$5,500,000 in general fund supported bonding and \$4,000,000 in segregated revenue supported bonding). Debt service from the segregated revenue supported bonding is paid from the water resources account of the conservation fund. The program has awarded grants for approximately 70 projects.

## GOVERNOR

No provision.

## DISCUSSION POINTS

1. Since the creation of the municipal dam repair and removal grant program in the 1989-91 biennial budget, the Legislature has provided additional funding for the program in the three subsequent biennia, as shown in the table below.



**Municipal Dam Repair and Removal Bonding Authorization**  
**(\$ in Millions)**

<u>Biennium</u>	<u>Bonding</u>
1989-91	\$2.5
1991-93	3.0
1993-95	3.0
1995-97	<u>1.0</u>
Total	\$9.5

2. Bonding from the 1995-97 budget was committed to projects with applications submitted by April 1, 1996. The Department indicates it has approximately \$250,000 remaining in the program from repair and removal projects that did not use all of the allocated funds. DNR received seven applications for repair and removal projects by April 1, 1997. The potential state cost-share for these seven projects is estimated to be \$854,500. Depending on the costs of the projects approved, DNR indicates that one or two of the 1997 applicants would be funded with the remaining \$250,000. If additional funds are provided, more grants could be awarded (that is, for the five or six currently unfunded projects, if all meet program criteria, and for future applicants).

3. The Department indicates that demand would support approximately \$1 million annually in dam repair and removal projects. The Committee could provide another \$2 million in segregated revenue supported bonding for additional projects in the 1997-99 biennium. Debt service on \$2 million in bonding would be approximately \$176,000 annually beginning in 1998-99 for 20 years (\$3.5 million in total).

4. Under SB 77 and Joint Finance action to date, the water resources account (motorboat gas tax) is estimated to have a balance of \$2.2 million on June 30, 1999. Alternatively, the Committee could provide \$2 million from the water resources account on a one-time basis to cash fund dam repair and removal projects in the 1997-99 biennium.

## ALTERNATIVES TO BASE

1. Provide an additional \$2 million in segregated revenue (water resources account) supported bonding (with estimated debt service of \$176,000 SEG in 1998-99) for the municipal dam repair and removal grant program.

<u>Alternative 1</u>	<u>BR</u>	<u>SEG</u>
1997-99 FUNDING (Change to Base)	\$2,000,000	\$176,000
[Change to Bill]	\$2,000,000	\$176,000]

2. Provide \$1 million annually from the water resources account in 1997-99 only for the municipal dam repair and removal grant program.

<u>Alternative 2</u>	<u>SEG</u>
1997-99 FUNDING (Change to Base)	\$2,000,000
[Change to Bill]	\$2,000,000]

3. Take no action.

Prepared by: Russ Kava

MO# A11#1

JENSEN	<del>Y</del>	N	A
OURADA	<del>Y</del>	N	A
HARSDORF	<del>Y</del>	N	A
ALBERS	<del>Y</del>	N	A
GARD	<del>Y</del>	N	A
KAUFERT	Y	<del>N</del>	A
LINTON	<del>Y</del>	N	A
COGGS	<del>Y</del>	N	A

BURKE	<del>Y</del>	N	A
DECKER	Y	<del>N</del>	A
GEORGE	<del>Y</del>	N	A
JAUCH	<del>Y</del>	N	A
WINEKE	<del>Y</del>	N	A
SHIBILSKI	<del>Y</del>	N	A
COWLES	<del>Y</del>	N	A
PANZER	<del>Y</del>	N	A

AYE 13 NO 2 ABS \_\_\_\_\_

NATURAL RESOURCES -- FISH, WILDLIFE AND RECREATIONAL AIDS

Chair Factory Dam

Motion:

Move to require the Department of Natural Resources to spend the amount necessary, up to \$254,000 SEG, from the recreational boating facilities aids appropriation for the removal or repair of the Chair Factory Dam in Grafton, Wisconsin.

Note:

In the 1995-97 biennial budget, DNR was required to expend up to \$264,000 in 1995-96 for the renovation and repair of the Chair Factory Dam. To date, \$9,900 has been encumbered for an engineering analysis. This motion would reauthorize the spending of the remainder of the money and include removal as well as repair of the dam as an eligible cost.

MO# 3066

JENSEN	<input checked="" type="checkbox"/>	N	A
OURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
LINTON	<input checked="" type="checkbox"/>	N	A
COGGS	<input checked="" type="checkbox"/>	N	A
BURKE	<input checked="" type="checkbox"/>	N	A
DECKER	<input checked="" type="checkbox"/>	N	A
GEORGE	<input checked="" type="checkbox"/>	N	A
JAUCH	<input checked="" type="checkbox"/>	N	A
WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE 16 NO 0 ABS

Representative Albers  
Senator Wineke

NATURAL RESOURCES -- FISH, WILDLIFE AND RECREATIONAL AIDS

Municipal Dam Repair and Removal Program (Paper #604)

Motion:

Move to alter the current dam repair and removal program to allow DNR to provide grants for up to 90% of project cost up to \$350,000 per grant when the property affected by the dams impoundment is primarily owned by the state (66% or more) and state property immediately within the impoundment area would be significantly devalued by the dam's removal.

MO# 1698

JENSEN	<input checked="" type="checkbox"/>	N	A
OURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
LINTON	<input checked="" type="checkbox"/>	N	A
COGGS	<input checked="" type="checkbox"/>	N	A

BURKE	<input checked="" type="checkbox"/>	N	A
DECKER	<input checked="" type="checkbox"/>	N	A
GEORGE	<input checked="" type="checkbox"/>	N	A
JAUCH	<input checked="" type="checkbox"/>	N	A
WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE 16 NO 0 ABS 0

NATURAL RESOURCES

Dam Repair and Removal (Paper #604)

Motion:

Move to provide \$350,000 in segregated revenue (water resources account) supported bonding as follows: (a) \$250,000 as part of the municipal dam repair and removal program for grants for the removal of smaller dams and the restoration of streams and rivers; and (b) \$100,000 for the removal of abandoned dams. Define small dam as those less than 15 feet wide and that create impoundments of 50 acre/feet or less. Require DNR to promulgate rules to determine distribution of the funding.

Note:

Debt service for the bonding provided would be an estimated \$30,900 annually (for 20 years) beginning in 1998-99.

[Change to Base: \$350,000 BR and \$30,900 SEG]  
[Change to Bill: \$350,000 BR and \$30,900 SEG]

MO# 1695

JENSEN	<input checked="" type="checkbox"/>	N	A
OURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
LINTON	<input checked="" type="checkbox"/>	N	A
COGGS	<input checked="" type="checkbox"/>	N	A

BURKE	<input checked="" type="checkbox"/>	N	A
DECKER	<input checked="" type="checkbox"/>	N	A
GEORGE	<input checked="" type="checkbox"/>	N	A
JAUCH	<input checked="" type="checkbox"/>	N	A
WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE 16 NO 0 ABS 0

To: Joint Committee on Finance

From: Bob Lang, Director  
Legislative Fiscal Bureau

## ISSUE

### Minor Policy and Technical Changes (DNR -- Fish, Wildlife and Recreational Aids)

#### A. MOTORBOAT GAS TAX TRANSFER

[LFB Summary: Page 386, #5a]

##### Governor

Provide \$329,400 SEG in 1997-98 and \$617,900 SEG in 1998-99 from the transportation fund to reflect an increase in the funds provided under the motorboat gas tax transfer formula.

##### Modification to Base

Provide \$190,800 SEG in 1997-98 and \$407,100 SEG in 1998-99 to reflect a reestimate of the gas tax formula transfer.

**Explanation:** The total amounts to be transferred from the transportation fund to the water resources account are reestimated to be \$8,828,800 in 1997-98 and \$9,045,100 in 1998-99. The reestimates are based on: (a) the actual motor fuel tax rate of 23.8¢ per gallon on April 1, 1997, and an estimated increase under the statutory indexing provisions to 24.0¢ per gallon on April 1, 1998; and (b) the actual 529,938 motorboats registered on January 1, 1997, and an estimated 538,400 motorboats registered on January 1, 1998.

<u>Modification A</u>	<u>SEG</u>
1997-99 FUNDING (Change to Base)	\$597,900
[Change to Bill	- \$349,400]

**B. ALL-TERRAIN VEHICLE GAS TAX TRANSFER**

[LFB Summary: Page 386, #5c]

**Governor**

Provide \$80,600 SEG in 1997-98 and \$125,800 SEG in 1998-99 from the transportation fund to reflect an increase in the funds provided under the all-terrain vehicle (ATV) gas tax transfer formula.

**Modification to Base**

Provide \$84,900 SEG in 1997-98 and \$142,700 SEG in 1998-99 to reflect a reestimate of the gas tax formula transfer.

**Explanation:** The total amounts to be transferred from the transportation fund to the ATV trail aids account are reestimated to be \$474,700 in 1997-98 and \$532,500 in 1998-99. The reestimates are based on: (a) the actual motor fuel tax rate of 23.7¢ per gallon on February 28, 1997, and a rate of 23.8¢ per gallon on February 28, 1998; and (b) the actual 80,111 ATVs registered on February 28, 1997, and an estimated 89,500 ATVs registered on February 28, 1998.

<u>Modification B</u>	<u>SEG</u>
1997-99 FUNDING (Change to Base)	\$227,600
[Change to Bill]	\$21,200]

Prepared by: Russ Kava

MO# Modifications  
ATB

JENSEN	X	N	A
OURADA	X	N	A
HARSDORF	X	N	A
ALBERS	X	N	A
GARD	X	N	A
KAUFERT	X	N	A
LINTON	X	N	A
COGGS	X	N	A
BURKE	X	N	A
DECKER	X	N	A
GEORGE	X	N	A
JAUCH	X	N	A
WINEKE	Y	N	X
SHIBILSKI	X	N	A
COWLES	X	N	A
PANZER	X	N	A

AYE 15 NO 0 ABS 1

NATURAL RESOURCES/AGRICULTURE, TRADE AND CONSUMER PROTECTION

Regulation of Private Fish Farming

Motion:

Move to incorporate LRB-2844/P6 into SB 77, which would, generally, assign regulatory oversight of fish farming to the Department of Agriculture, Trade and Consumer Protection, and repeal provisions related to the regulation of private fish hatcheries by the Department of Natural Resources. The provisions would be effective January 1, 1998.

Fish farms would be defined as facilities at which a person hatches fish eggs or rears fish for the purpose of introduction into the waters of the state, permitting fishing, use as bait or human or animal consumption or for sale to another person to rear for one of those purposes. No person would be able to bring any fish or fish eggs into the state for the purpose of introduction into the waters of the state, for use as bait or for rearing in a fish farm without an annual permit from DATCP and a health certificate for the fish or fish eggs issued by DATCP, another state or a licensed veterinarian. A person who operates a fish farm would be required to obtain a health certificate from DATCP for any fish eggs present or any fish reared on the farm. DATCP would be able to inspect fish and fish eggs in accordance with these permit and certificate requirements to ensure the health of fish and fish eggs. DATCP would specify in rule the fees for these permits and certificates. These fees would be used for animal health inspection and testing and for enforcement of animal health laws by DATCP.

DNR would continue to issue permits for the introduction or stocking of fish in the waters of the state. In addition to a DNR permit, a person would have to be in compliance with DATCP permitting and certificate requirements. When issuing permits, DNR would be required to accept the DATCP health certificate and may not require any additional testing, inspection or investigation be performed concerning the health of the fish. DNR would have to be in compliance with the health requirement of DATCP, although no DATCP permit would be required.

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Note:

Under current law, DNR licenses private fish hatcheries. DNR regulates the importation of fish into the state and the stocking of fish in the waters of the state. DNR currently regulates



four classes of private fish hatcheries. Class A fish hatcheries engage in the full range of hatchery activities, including hatching eggs, rearing fish, selling fish or providing public recreational fishing for a fee. Class B hatcheries engage in all the activities of a Class A hatchery except the hatching of eggs. Class C hatcheries are authorized to possess fish and sell fish to Class A license holders or to the public for consumption on the premises and may offer recreational fishing but not for a fee. Class D hatcheries are rearing ponds, and Class D licenses can only be held by Class A or B license holders. This motion would eliminate license requirements for all four classes of hatcheries and shift regulatory oversight of fish farming to DATCP.

DATCP would set annual fees by rule. The agency indicates that it would be able to take on these new responsibilities without additional staff or funding. The fish and wildlife account of the conservation fund would see a revenue reduction of approximately \$20,000 annually. Revenues to DATCP would increase if permit fees are charged.

[Change to Base: -\$30,000 SEG REV]

[Change to Bill: -\$30,000 SEG REV]

MO#

1691

JENSEN	X	N	A
OURADA	X	N	A
HARSDORF	X	N	A
2 ALBERS	X	N	A
GARD	X	N	A
KAUFERT	X	N	A
LINTON	X	N	A
COGGS	X	N	A

BURKE	X	N	A
DECKER	X	N	A
GEORGE	X	N	A
JAUCH	X	N	A
WINEKE	X	N	A
SHIBILSKI	X	N	A
COWLES	X	N	A
PANZER	X	N	A

AYE 16 NO 0 ABS

NATURAL RESOURCES -- FISH, WILDLIFE AND RECREATIONAL AIDS

Designation of Willow Flowage as Outstanding Resource Water

Motion:

Move to designate the Willow Flowage as an outstanding resource water.

MO# 3093

JENSEN	<input checked="" type="checkbox"/>	N	A
OURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
LINTON	<input checked="" type="checkbox"/>	N	A
COGGS	<input checked="" type="checkbox"/>	N	A

BURKE	<input checked="" type="checkbox"/>	N	A
DECKER	<input checked="" type="checkbox"/>	N	A
GEORGE	<input checked="" type="checkbox"/>	N	A
JAUCH	<input checked="" type="checkbox"/>	N	A
WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE 16 NO 0 ABS \_\_\_\_\_

NATURAL RESOURCES -- FISH, WILDLIFE AND RECREATIONAL AIDS

Karner Blue Butterfly HCP Position

Motion:

Move to provide \$42,400 SEG and 1.0 SEG position annually from the forestry account of the conservation fund to implement the Habitat Conservation Plan (HCP) for the Karner Blue butterfly, a federally endangered species.

Note:

SB 77 would delete a vacant position in the Bureau of Endangered Resources that DNR had proposed to transfer to Forestry to implement the Karner Blue HCP. The Governor moved the funding associated with the Endangered Resources position to supplies and services for additional support funding for the Karner Blue butterfly HCP. DNR would have to reallocate a vacant position for implementation of the HCP. This motion would restore the vacant position, transfer it to Forestry and fund it with Forestry SEG. The position would monitor implementation of the HCP plan, coordinate the database related to the project and guide cooperation with the U.S. Fish and Wildlife Service.

[Change to Base: \$84,800 SEG and 1.0 SEG position]

[Change to Bill: \$84,800 SEG and 1.0 SEG position]

MO# 1003

JENSEN	<del>Y</del>	N	A
OURADA	<del>Y</del>	N	A
HARSDORF	Y	<del>N</del>	A
ALBERS	Y	<del>N</del>	A
GARD	<del>Y</del>	N	A
KAUFERT	<del>Y</del>	N	A
LINTON	<del>Y</del>	N	A
COGGS	<del>Y</del>	N	A

BURKE	<del>Y</del>	N	A
DECKER	<del>Y</del>	N	A
GEORGE	Y	N	<del>A</del>
JAUCH	<del>Y</del>	N	A
WINEKE	<del>Y</del>	N	A
SHIBILSKI	<del>Y</del>	N	A
COWLES	<del>Y</del>	N	A
PANZER	<del>Y</del>	N	A

AYE 13 NO 2 ABS 1

NATURAL RESOURCES -- FISH, WILDLIFE AND RECREATIONAL AIDS

ATV Registration Revenue Split

Motion:

Move to delete the requirement that half of ATV registration revenue be used for ATV enforcement and safety purposes and that half be used for ATV trail projects.

MO# 11681

JENSEN	<del>Y</del>	N	A
OURADA	<del>Y</del>	N	A
HARSDORF	<del>Y</del>	N	A
ALBERS	<del>Y</del>	N	A
GARD	<del>Y</del>	N	A
KAUFERT	<del>Y</del>	N	A
LINTON	<del>Y</del>	N	A
COGGS	<del>Y</del>	N	A

BURKE	Y	<del>N</del>	A
DECKER	<del>Y</del>	N	A
GEORGE	Y	N	<del>A</del>
JAUCH	<del>Y</del>	N	A
WINEKE	Y	<del>N</del>	A
SHIBILSKI	<del>Y</del>	N	A
COWLES	<del>Y</del>	N	A
PANZER	<del>Y</del>	N	A

AYE 13 NO 2 ABS 1

## NATURAL RESOURCES

## Fee for Hearing Request

## Motion:

Move to delete the \$25 fee charged by DNR for any person requesting a hearing on an application to issue a water regulation permit or other proceedings involving navigable waters, harbors or navigation.

## Note:

The \$25 hearing fee was created in 1995 Act 27 as part of an overall change in the Department's water regulation permit fee structure. Under the motion, no fee would be charged for a hearing request. The estimated loss in revenues would be \$600 annually.

[Change to Base: -\$1,200 PR-Revenue]

[Change to Bill: -\$1,200 PR-Revenue]

MO# 1680

JENSEN	<input checked="" type="checkbox"/>	N	A
2OURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
1 GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	<del>N</del>	A
LINTON	<input checked="" type="checkbox"/>	N	A
COGGS	<input checked="" type="checkbox"/>	N	A

BURKE	<input checked="" type="checkbox"/>	<del>N</del>	A
DECKER	<input checked="" type="checkbox"/>	<del>N</del>	A
GEORGE	<input checked="" type="checkbox"/>	N	<del>A</del>
JAUCH	<input checked="" type="checkbox"/>	<del>N</del>	A
WINEKE	<input checked="" type="checkbox"/>	<del>N</del>	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE 10 NO 5 ABS 1

## NATURAL RESOURCES

### Creation of Illinois Fox River Commission

#### Motion:

Move to create an Illinois Fox River Commission. A county may appropriate money to the commission, and the commission may solicit gifts, grants and other aid to perform other functions. In addition, allocate \$300,000 in 1997-98 from the recreational boating facilities aids appropriation for an engineering study and dredging. Require the commission to prepare a budget, make it available for public inspection and hold a public hearing on the budget.

A board of commissioners shall govern the commission. The board shall: (a) initiate and coordinate surveys and research projects to gather data relating to the surface waters and groundwaters of the Illinois Fox River basin that are located in a river municipality; (b) maintain a liaison with federal, state and local agencies and other organizations involved in protecting, rehabilitating and managing water resources; (c) provide the public with information on issues related to the surface waters and groundwaters of the Illinois Fox River Basin that are located in a river municipality; and (d) utilize the Wisconsin Conservation Corps to the greatest extent practicable for projects.

The board may also: (a) develop and implement plans or projects to: (1) improve water quality and the scenic, economic and environmental value of the surface waters and groundwaters of the Illinois Fox River basin that are located in a river municipality; (2) protect or enhance the recreational use of the navigable waters of the Illinois Fox River basin or (3) coordinate and integrate county programs or projects for the waters of the county; (b) develop and propose programs or projects to make improvements to the navigable waters of the Illinois Fox River basin located in a river municipality; or (c) create advisory committees as it considers necessary; or (d) promulgate rules necessary to implement the duties and powers granted to the board.

The board shall include: (a) the village presidents of Big Bend, Mukwonago and Waterford, or their designees; (b) the town chairpersons of Waterford, Vernon, Waukesha and Mukwonago or their designees; (c) the mayor of the city of Waukesha, or his or her designee; (d) two residents each of the town of Waterford and Vernon appointed by the town board; (e) one resident of Big Bend appointed by the village board; (f) the county executives of Racine and Waukesha County, or their designees; (g) one representative from the Southeastern Wisconsin Regional Planning Commission; and (h) one representative of DNR. Provide that: (a) terms of elected officials run concurrently with their terms of office; (b) the terms of residents be two years.

The board may propose to a county board the adoption, modification or rescission of any ordinance or local regulation relating to boating, recreation or safety upon the navigable waters of the Illinois Fox River basin located in a river municipality. The board may propose to a county board minimum standards for local regulations and ordinances for municipalities and the county to protect and rehabilitate the water quality of the surface waters and groundwaters of the Illinois Fox River basin located in a river municipality.

A county board or river municipality may adopt a minimum standard, ordinance or a local regulation, or a modification to or rescission of a standard, an ordinance or a local regulation, as proposed by the board of commissioners. An ordinance, local regulation or minimum standard as adopted by a county board or river municipality shall apply to the county and to any municipality partially or totally within the county and shall supersede any less restrictive and conflicting provision of a minimum standard, ordinance or local regulation adopted by a municipality.

The board shall develop an implementation plan by April 1, 1998. The plan shall include: (a) the appropriation and designation of an engineering study to determine areas for selective dredging; (b) clearing the channel of fallen trees and similar debris; (c) dredging in selected shallow areas of the impoundment area in Waterford; (d) development of a water use plan; (e) operating the dam with a winter drawdown level; (f) streambank erosion protection; (g) automation of the Waterford Dam with upstream sensors; (h) maintenance, protection and improvement of shorelines, banks and beds of navigable waters; (i) access to shoreline recreational areas and facilities; and (j) water safety, navigational and boating regulations. Within three months after the development and submission of the plan, require the Department of Natural Resources and the designated county planning agencies to evaluate the implementation plan to determine if it is adequate to: (a) protect and rehabilitate the water quality of the surface waters and the groundwater of the Illinois Fox River basin that are located in a river municipality; (b) protect and enhance the recreational use of the navigable waters of the Illinois Fox River basin that are located in a river municipality; and (c) increase water and boating safety on the navigable waters of the Illinois Fox River basin that are located in a river municipality.

A county may appropriate money to the commission, and the commission may solicit gifts, grants and other aid to perform other functions. In addition, allocate \$300,000 in 1997-98 from the recreational boating facilities aids appropriation for an engineering study and dredging.

A county or municipality within a county may not reduce its expenditures relating to environmental control of land surfaces below its fiscal year 1998 expenditures if the county or municipality makes the expenditures for the purpose of protecting or rehabilitating the quality of surface waters and groundwaters of the Illinois Fox River basin located in a river municipality.

If the board consents, Racine County, Waukesha County or a municipality served by the Illinois Fox River Commission may empower the commission by ordinance to administer an ordinance that is enacted under this section, whether or not the area otherwise served by the commission includes all of Racine County or Waukesha County.

Note:

The motion would create the Illinois Fox River Water Use Task Force and allocate \$300,000 from the recreational boating facilities aids appropriation (funded at \$5,147,000 annually under SB 77) for an engineering study and dredging.

MO# 1686

2 JENSEN	<del>Y</del>	N	A
OURADA	<del>Y</del>	N	A
HARSDORF	<del>Y</del>	N	A
ALBERS	<del>Y</del>	N	A
GARD	<del>Y</del>	N	A
KAUFERT	<del>Y</del>	N	A
LINTON	<del>Y</del>	N	A
COGGS	<del>Y</del>	N	A

1 BURKE	<del>Y</del>	N	A
DECKER	<del>Y</del>	N	A
GEORGE	Y	N	<del>A</del>
JAUCH	<del>Y</del>	N	A
WINEKE	<del>Y</del>	N	A
SHIBILSKI	<del>Y</del>	N	A
COWLES	<del>Y</del>	N	A
PANZER	<del>Y</del>	N	A

AYE 15 NO 0 ABS 1



## NATURAL RESOURCES

### Appraisal and Land Sale Requirements

#### Motion:

Move to require that the Joint Committee on Finance approve funds through a 14-day passive review process before DNR authorizes appraisals for land owned by a single seller for which the appraisal cost would likely exceed \$3,500.

Require that the Joint Committee on Finance approve any DNR appraisals on property that are not wholly or partially within the boundaries of a master plan for a property approved by the Natural Resources Board through a 14-day passive review process.

Require that the value of timber be assessed on every appraisal done by DNR where the property includes marketable timber. In addition, if that timber is subsequently sold, require that the proceeds first be used for any needed improvements to the land or facilities on the property from which the timber is harvested. Remaining proceeds from a timber sale could then be used for other purposes.

Require that any land deemed surplus land by DNR on or after January 1, 1997, must be offered for sale within 18 months of being deemed surplus lands.

Require that, for all land acquired by DNR and later resold, the former owner of the property has first right of refusal at the current appraised value.

Prohibit municipalities from using funding received under the stewardship program to purchase property that is not wholly contained within the boundaries of the municipality.

Require that the Joint Committee on Finance approve any DNR land purchase for which the DNR appraised value differs significantly from an purchase price offered by DNR through a 14-day passive review process.

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#### Note:

This motion would require Joint Finance to approve DNR appraisals that would exceed \$3,500 in cost. DNR indicates that most appraisals cost under \$1,500.

This motion would also prohibit DNR from appraising land outside of the master plan boundaries for a property. DNR indicates that about 5 out of 6,000 appraisals annually fall in this category. Such cases generally involve railroad grades that become available for trails outside of established boundaries or for purchases with significant environmental or conservation benefit that become available (such as flowages). This motion would require the Natural Resources Board to establish a master plan before any appraisals are done.

Also, DNR would be required to assess the value of timber on every property that includes marketable timber. Currently, the value of timber is separately calculated only for those properties that contain a significant amount of timber. The Department indicates that this occurs on less than 5% of appraisals. Requiring timber appraisals on all properties that contain marketable timber would increase the cost of appraisals, since this would require DNR staff or private appraisers to do the assessments. However, appraisals that more fully consider timber values should be more accurate.

Land is currently deemed as surplus if the Natural Resources Board declares that the land is no longer necessary for conservation purposes.

MO#

3095

JENSEN	<del>Y</del>	N	A
OURADA	Y	<del>N</del>	A
HARSDORF	<del>Y</del>	N	A
ALBERS	<del>Y</del>	N	A
GARD	<del>Y</del>	N	A
KAUFERT	<del>Y</del>	N	A
LINTON	Y	<del>N</del>	A
COGGS	Y	<del>N</del>	A

BURKE	Y	<del>N</del>	A
DECKER	Y	<del>N</del>	A
GEORGE	Y	N	<del>A</del>
JAUCH	Y	<del>N</del>	A
WINEKE	Y	<del>N</del>	A
SHIBILSKI	Y	<del>N</del>	A
COWLES	<del>Y</del>	N	A
PANZER	<del>Y</del>	N	A

AYE 7 NO 8 ABS 1

NATURAL RESOURCES -- FISH, WILDLIFE AND RECREATIONAL AIDS

Hunting Licenses for Persons Born after January 1, 1973

Motion:

Move to allow a person who is required to have successfully completed the hunter education and firearm safety course established by DNR to show that he or she did so by presenting a hunting approval that he or she was issued in Wisconsin in the last year or to show the certificate of completion for the safety course.

Note:

Under current law, a person born after January 1, 1973, may not be issued any type of hunting license unless the person has successfully completed DNR's hunter education and firearm safety course and presents the certificate of accomplishment issued upon completion of the course. This motion would allow such a person to present either the certificate or a hunting license issued within the past year when purchasing a hunting license.

MO# 1634

JENSEN	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A

AYE 15 NO 0 ABS

NATURAL RESOURCES

MacKenzie Environmental Education Center

Motion:

Move to provide \$37,500 GPR and 1.0 GPR position annually for a facilities repair worker at the MacKenzie Environmental Education Center in Poynette.

Note:

This motion would restore a position which was deleted in 1995 Act 27.

[Change to Base: \$75,000 GPR and 1.0 GPR position]

[Change to Bill: \$75,000 GPR and 1.0 GPR position]

MO# 1685

JENSEN	Y	<del>N</del>	A
OURADA	Y	<del>N</del>	A
HARSDORF	Y	<del>N</del>	A
ALBERS	Y	<del>N</del>	A
GARD	Y	<del>N</del>	A
KAUFERT	Y	<del>N</del>	A
LINTON	<del>Y</del>	N	A
COGGS	<del>Y</del>	N	A

BURKE	<del>Y</del>	N	A
DECKER	<del>Y</del>	N	A
GEORGE	Y	N	<del>A</del>
JAUCH	<del>Y</del>	N	A
WINEKE	<del>Y</del>	N	A
SHIBILSKI	<del>Y</del>	N	A
COWLES	Y	<del>N</del>	A
PANZER	Y	<del>N</del>	A

AYE 7 NO 8 ABS 1

NATURAL RESOURCES

Privatization of Lawn Mowing on State Parks

Motion:

Move to direct DNR to utilize private lawn mowing services on state park properties when it is determined that such services are more cost-effective and efficient than other methods and not in conflict with existing contracts.

MO# 3087

2 JENSEN	<del>Y</del>	N	A
OURADA	<del>Y</del>	N	A
HARSDORF	<del>Y</del>	N	A
ALBERS	<del>Y</del>	N	A
GARD	<del>Y</del>	N	A
KAUFERT	Y	<del>N</del>	A
LINTON	Y	<del>N</del>	A
COGGS	Y	<del>N</del>	A

BURKE	Y	<del>N</del>	A
DECKER	Y	<del>N</del>	A
GEORGE	Y	N	<del>A</del>
JAUCH	Y	<del>N</del>	A
WINEKE	Y	<del>N</del>	A
SHIBILSKI	Y	<del>N</del>	A
COWLES	<del>Y</del>	N	A
PANZER	<del>Y</del>	N	A

AYE 7 NO 8 ABS 1

Senator Cowles  
Senator Burke  
Representative Linton  
Representative Ourada

## NATURAL RESOURCE -- FISH, WILDLIFE AND RECREATIONAL AIDS

### Lake Classification

#### Motion:

Move to direct the Department of Natural Resources to develop guidelines for classifying lakes. In addition, provide an additional \$700,000 annually in water resources SEG for the lake management grant program to provide grants of up to \$50,000 per county for up to 75% of the costs for the development and implementation of lake classification and subsequent protection programs. In addition, allow DNR to provide grants of up to \$200,000 to nonprofit corporations to provide educational and technical assistance to local units of government and lake management organizations to assist in the development and implementation of lake classification programs.

#### Note:

Under current law, DNR is authorized to develop a program for classifying lakes and streams by use and to make recommendations to municipalities for protection and development of recreation waters. This motion would direct the Department to develop these guidelines, using such factors as size, depth, shape, crowding potential, watershed size, fish and wildlife populations, water quality, potential for nonpoint source runoff and/or development.

The lake management grant appropriation is funded at \$1,353,300 annually in SB 77.

[Change to Base: \$1,400,000 SEG]

[Change to Bill: \$1,400,000 SEG]

MO# 3110

JENSEN	Y	N	A
OURADA	<del>Y</del>	N	A
HARSDORF	Y	<del>N</del>	A
ALBERS	<del>Y</del>	N	A
GARD	Y	<del>N</del>	A
KAUFERT	<del>Y</del>	N	A
LINTON	<del>Y</del>	N	A
COGGS	<del>Y</del>	N	A

2 BURKE	<del>Y</del>	N	A
DECKER	<del>Y</del>	N	A
GEORGE	Y	N	<del>A</del>
JAUCH	<del>Y</del>	N	A
WINEKE	<del>Y</del>	N	A
SHIBILSKI	<del>Y</del>	N	A
1 COWLES	<del>Y</del>	N	A
PANZER	<del>Y</del>	N	A

AYE 12 NO 5 ABS 1

DNR -- FISH, WILDLIFE AND RECREATIONAL AIDS

Cumulative Preference

Motion:

Move to require DNR to utilize a cumulative preference system for those species for which permits are issued (deer hunters choice, bobcat, otter, fisher trapper, Canada goose, wild turkey, sharp-tailed grouse).

Note:

In 1997 Wisconsin Act 1, a cumulative preference system was authorized for bear permits.

MO# 1701

JENSEN	X	N	A
OURADA	X	N	A
HARSDORF	X	N	A
ALBERS	X	N	A
GARD	X	N	A
KAUFERT	X	N	A
LINTON	X	N	A
COGGS	X	N	A

BURKE	X	N	A
2 DECKER	X	N	A
GEORGE	X	N	A
JAUCH	X	N	A
WINEKE	X	N	A
SHIBILSKI	X	N	A
COWLES	X	N	A
PANZER	X	N	A

AYE 16 NO 0 ABS

## NATURAL RESOURCES

### Fish, Wildlife and Recreational Aids

#### LFB Summary Items for Which No Issue Papers Have Been Prepared

Item #

Title

MO#

Items

- |   |    |   |
|---|----|---|
| { | 1  | Hunting and Fishing License Fee Increases         |
|   | 4  | Licensing Costs                                   |
|   | 8  | Wildlife Management Reductions                    |
|   | 11 | Sturgeon Spearing Permits                         |
|   | 15 | All-Terrain Vehicle Program                       |
|   | 16 | Recreational Boating Aids Lapse                   |
|   | 17 | Local Boating Enforcement Aids Appropriation      |
|   | 19 | Recreational Boating Projects -- Trash Collectors |
|   | 20 | Mobile Data Computer Network                      |
|   | 21 | Car-Killed Deer Removal                           |
|   | 22 | Karner Blue Butterfly Habitat Conservation Plan   |
|   | 23 | Endangered Resources Revenue Changes              |

2	JENSEN	<input checked="" type="checkbox"/>	N	A
	OURADA	<input checked="" type="checkbox"/>	N	A
	HARSDORF	<input checked="" type="checkbox"/>	N	A
	ALBERS	<input checked="" type="checkbox"/>	N	A
	GARD	<input checked="" type="checkbox"/>	N	A
	KAUFERT	<input checked="" type="checkbox"/>	N	A
	LINTON	<input checked="" type="checkbox"/>	N	A
	COGGS	<input checked="" type="checkbox"/>	N	A
1	BURKE	<input checked="" type="checkbox"/>	N	A
	DECKER	<input checked="" type="checkbox"/>	N	A
	GEORGE	<input checked="" type="checkbox"/>	N	A
	JAUCH	<input checked="" type="checkbox"/>	N	A
	WINEKE	<input checked="" type="checkbox"/>	N	A
	SHIBILSKI	<input checked="" type="checkbox"/>	N	A
	COWLES	<input checked="" type="checkbox"/>	N	A
	PANZER	<input checked="" type="checkbox"/>	N	A

AYE 16 NO 0 ABS     

#### LFB Summary Items for Introduction as Separate Legislation

Item #

Title

- |    |   |
|----|---|
| 9  | Bow Hunter Education Course               |
| 10 | Sale and Distribution of Animal Carcasses |
| 12 | Trespass Law                              |